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REFORMING AN ELECTORAL SYSTEM – AN EXPERIMENT THAT FAILED: ROMANIA 2008-2012.

An increasing number of electoral systems is being introduced which seeks to combine single-member districts with a proportional allocation of seats according to parties' national vote shares. One such system, that differed in its key features from many others, was introduced in Romania in 2008 and used in that year's general elections, when it performed reasonably well. It did not at the next elections in 2012, when an unforeseen consequence of a coalition winning more than half of the votes cast was that a number of 'overhang' seats was allocated to each house in the bi-cameral parliament, representing some 20 per cent of the total number of elected members. The system was then abandoned and replaced by the previously-used proportional representation system. This paper describes the system and its operation at the two elections, discussing the reasons for its introduction and later abandonment.

Most electoral systems fall into one of a small number of 'families', identified by a few criteria: the number of members returned from each constituency; the method of voting; and the method deployed for translating a party's vote total into its number of legislative representatives (Farrell 2011; Gallagher and Mitchell 2018). In many countries one of the foundational criteria of their electoral systems is that legislators are returned from separate areas within the national territory; their major representative role is for their residents there – alongside their functions as national legislators (either in government or in opposition) – and they are expected to promote their constituents' individual and collective interests. Such systems, as has been well-established, generally produce disproportional outcomes for political parties contesting elections, hence the decision in many countries (as in much of western Europe: Carstairs, 1980) to adopt proportional representation systems in multi-member constituencies where the links between legislators and specific territories might be much weaker. Additionally, where there are more than two candidates in single-member districts it is frequently the case that none receives support from a majority of those voting at an election, leading to the introduction of the Alternative Vote system in a few countries (such as Australia: Farrell and McAllister, 2008), which retains the link between each legislator and a separate, defined territory but ensures that the elected candidate has majority support.

Until relatively recently most countries opted for either the plurality system in single-member constituencies or preferential voting in multi-member districts aimed at achieving (near-)proportional representation, but a number have sought an alternative system that combines desirable elements from those two. Multi-member proportional (MMP) systems, for example, combine representation from single-member constituencies for a substantial proportion of the elected members, thereby ensuring close links between a territorially-defined electorate and its representative, with the remainder elected through a second ballot whose result is deployed to elect a further tranche of legislators, with, in some but not all versions of the system, the two elected groups together proportionally reflecting the outcome of that second ballot. Shugart and Wattenberg's (2003) book on these asks in its subtitle whether they are 'The best of both worlds?'. Linhart et al. (2019, 36; see also Raabe and Linhart, 2018)

suggest that in some cases – reflecting technical details of the particular system deployed, such as the relationship between the district and proportional levels – ‘MMP systems run the risk of being exploited strategically and then include the worst of both worlds’; the case study in this note provides further empirical corroboration of that claim.

In a variety of cases the results of an election are if not totally unanticipated at least unexpected. In five United States’ presidential elections, for example, the candidate who came second in the popular vote won in the Electoral College, whereas at two post-1945 general elections using the first-past-the-post plurality system in both the United Kingdom and New Zealand the party with most votes did not win the largest number of seats. And a multi-member proportional system was introduced for elections to the Scottish Parliament in the belief that no party would win an overall majority, and hence the Scottish Nationalist Party (SNP) would never gain power – but in 2011 with 44 per cent of the constituency level votes and 45 per cent in the regional contests which determined the proportional allocation of seats, the SNP won a majority (69) of the 129 seats. In that case, the unexpected outcome was a result of a combination of the number and geography of the SNP’s votes. In others – as in the case to be discussed here – such an unexpected outcome can be the result of ‘gaming’ the system by one or more parties. Some gaming to influence the outcome is common – in the MMP systems deployed in New Zealand, Scotland and Wales, for example, some parties only enter the contest at the proportional level. Another gaming strategy – the creation of a substantial coalition likely to win a large share (perhaps a majority) of the votes – can be deployed to seek an outcome similar to that in Scotland in 2011; an unanticipated consequence of such a strategy reflected a particular feature of the Romanian electoral system studied here – the creation of ‘overhang seats’. As Strom et al. (1994, 37) have argued, non-PR systems ‘tend to force parties to coalesce before elections in order to exploit electoral economies of scale. The more disproportional the electoral system, the greater the incentives for pre-electoral alliances’ – although in the Romanian case, there was no prior empirical evidence (i.e. at a previous election) of the potential for a disproportional outcome.

Multi-member systems have a number of variants, one of which was introduced for elections to both houses of the Romanian Parliament – the Chamber of Deputies and the Senate – in 2008. It was devised to meet three criteria – the link between individual legislators and a defined territory which they alone represent; as far as possible, the election of members from each district who had majority support there; and overall proportionality in the representation of parties/coalitions within the legislature. The system appeared to work reasonably well at the first election held then, and was retained for the next elections in 2012, when the outcome was both unexpected and unrepresentative. This note does not essay a full comparative evaluation of that system against the criteria on which it was based, but rather explores the reasons for the change in 2008, describes the system’s operation and the outcomes at the two elections, and concludes with an appreciation of why the system was then abandoned before the next elections were held in 2016, when the country reverted to its pre-2008 list proportional system – a closed party-list using two levels of seat allocation (national and constituency). It is thus presented as a case study of the unexpected consequences of the introduction of a hybrid system that was largely a consequence of parties ‘gaming’ the system to gain the maximum (disproportional) benefits for themselves. (Similar ‘gaming’ has also characterized Hungary’s hybrid electoral system, where ‘strategic withdrawals’ by a party in collaboration with another at the second round of voting have meant that the party with the largest share of the votes failed to win a plurality of the seats at two successive elections: Benoit, 2008.)

Electoral reform in Romania

Electoral reform has been a constant preoccupation of Romanian post-Communist society, especially since 2000 reflecting citizens' increasing lack of trust in the country's evolving political institutions and politicians.¹ Between 1990 and 2004 the Romanian Parliament's two houses were elected by a proportional representation system,² which – because it failed to deliver stable majority governments – was identified as one of the responsible factors for the post-Communist societal failures. It was hoped that by implementing a new system based on single-member constituencies the elected MPs would gain more legitimacy, which would lead to better representation and closer ties between the successful candidates and the voters, plus a reduction in the perceived level of corruption (Chiru et al. 2015; Gherghina and Jigla 2012; Chiru and Ciobanu 2009; Ciobanu 2007; Popescu 2005³). Personalizing the electoral competition in this way was also thought to lead to an increase in turnout (Gherghina and Jigla, 2012), which fell continuously over the period from 86.19 per cent at the 1990 general elections to 56.5 per cent in 2004.

In the debates over proposed reforms incumbent MPs were inclined to accept a change from the proportional representation system only if they had something to gain from it, either personally (i.e. the certainty of being re-elected) or for their party (i.e. it would win more seats: Gherghina et al. 2013⁴). The media, NGOs (spearheaded by the Pro Democrația Association) and public opinion all strongly supported changing the electoral system (Chiru et al. 2015; Popescu 2005). The leaders of the country's largest political parties were unconditionally in favour,⁵ although the small UDMR party, which represents the country's Hungarian minority, feared losing seats with a change away from proportional representation (Popescu 2005; Birch et al. 2002). On the President's initiative a proposal for a two-round majoritarian system was voted on at a referendum on 25 November 2007: 81.36 per cent were in favour but because turnout was only 26.51 per cent the result was invalidated – 50 per cent + 1 turnout was required for the outcome to be valid.

Under these circumstances, the new electoral system eventually determined was a compromise between the major parties of the period: the Social-Democrats (PSD), the Liberal-Democrats (PDL) and the Liberals (PNL) plus the Hungarian minority party (UDMR). In March 2018 Parliament adopted a new electoral law; in the Chamber of Deputies' decisive vote, 231 MPs voted in favour with only 11 MPs against. That new system was designed to maintain the proportionality element of the previous system but all of the successful representatives were to be elected to represent a single-member district – SMD (Marian and King 2010) – although, as described here, not all won the largest number of votes in the district they represented. There were to be 43 constituencies (a constituency was/is equivalent to a county) with 333 SMDs for the Chamber of Deputies and 137 for the Senate. The magnitude of each constituency for each House was unchanged from the pre-2008 proportional system. The number of seats allocated to each party was determined by its share of the national vote total, above a pre-defined threshold; all of the candidates who won a majority of the votes in the constituencies they contested would be declared elected, and the remaining seats were allocated to candidates of the parties that did not get their full national allocation through that procedure. (Unlike many variants of the MMP systems, the post-2008 Romanian system did not give electors two votes – one in a single-member and one in a multi-member district. Full details of the system's operation are given below.)

That new system functioned reasonably well in the 2008 general election: in the election to the Chamber of Deputies, the three largest parties/coalitions (PSD-PC, PDL and PNL) won 33.1, 32.4 and 18.6 per cent of the votes respectively and 34.4, 34.1 and 19.5 per cent of the seats. That was not the case in 2012, however, when the presence of an 'overhang' component – as discussed below – meant that the size of the Chamber of Deputies was increased by 79 (i.e. from 333 to 412) and of the Senate by 38 (from 138 to 176); the consequence of that further allocation meant that the largest coalition, which won 58.6 per cent of the votes for the Chamber and 60.1 per cent for the Senate, finished with 66.26

per cent of seats in the Chamber and 69.32 per cent in the Senate. Adding to the over-representation other negative side-effects of the system, such as cartographic manipulations – gerrymandering and malapportionment (Giugăl et al. 2017) – and the possibility of gaining a seat without a plurality of votes (Giugăl et al. 2017; Marian and King 2014; Marian and King 2010), the system was soon criticised, dropped and forgotten.

Overhang Seats: an Unpopular Effect Generated by the Electoral Law Procedures

Although several papers regarding the post-2008 Romanian electoral system explained the process of seat allocation as divided into three tiers (Gherghina et al. 2013; Coman 2012; Gherghina and Jigla 2012; Chiru and Ciobanu 2009), the electoral law identifies only two, each containing two allocation methods (Figure 1) – see articles 47 and 48 of Law no. 35/2008.⁶ These were deployed in a system comprising 43 constituencies, each of which was divided into a number of single-member districts (SMDs), which were contested by candidates of the various political parties.

[Figure 1 near here]

First tier

Seats were allocated to the parties using a proportional formula with two methods: (i) d'Hondt, at the national level; and (ii) Hare, at the constituency level. This allocation process established, on the basis of a proportional procedure, the number of seats each political party that had crossed the electoral threshold was entitled to,⁷ given its share of the vote total. Each party's total number of seats secured nationally by the d'Hondt proportional formula was then subdivided into a number for each constituency, determined by the Hare formula. (These are fully discussed in Giugăl et al. 2017; Marian and King 2010.)

Second tier

The allocation of seats to the candidates in the SMDs/constituencies was realized used two methods:

- In any SMD a candidate who won an absolute majority (50 per cent + 1) of the votes cast there was allocated that seat – Article 48(11).
- In every constituency candidates who did not obtain the absolute majority in the SMDs they ran for were ranked in decreasing order of vote total (not percentage); those with the largest totals were assigned seats within the limits of the number allocated to each party after the proportional procedures (in the first layer; Figure 1) which meant, as explained later, that candidates with a plurality, but not a majority, of votes in a constituency were not guaranteed a seat if their party's allocation for the constituency had already been filled so that some seats would be allocated to losing candidates.

[Figure 1 near here]

The system in operation: two general elections

The 2008 elections

At the 2008 general elections for the Chamber of Deputies only four parties passed the electoral threshold (5 per cent for individual parties, 8-10 per cent for alliances): the Democratic Liberal Party (PDL) – 115 seats; the Social Democrat Party (PSD) – 114; the National Liberal Party (PNL) – 65; and the Democratic Alliance of Hungarians in Romania (UDMR) – 12 (Table 1).

[Table 1 near here]

[Figure 2 near here]

In Ialomița constituency, used here as an example of how seats were allocated to candidates, PSD was awarded two and PNL and PDL one each. In the second tier, candidates who won an absolute majority secured a seat – which only happened for the candidate who ran in SMD 2 (Figure 2). The constituency's remaining three seats were then allocated to the candidates who got most votes there and whose parties had been awarded seats within the constituency. This is illustrated in Table 2 – the elected candidates were: Popescu Dan Mircea (PSD) in SMD no. 3, Pocora Cristina Ancuța (PNL), in SMD no. 1, and Gheorghe Tinel (PDL), in SMD no. 4. The PDL's candidate was the only one who won a seat without a plurality of votes

[Table 2 near here]

The 2012 elections

The 2012 general elections were contested by a newly-formed large coalition, the Social Liberal Union (USL), mainly formed from the Social-Democrats (PSD) and Liberals (PNL);⁸ the Democrat-Liberals – PDL at the 2008 general elections – entered into another coalition, the Right Romania Alliance (ARD).⁹ USL won 58.6 per cent of the votes in the election to the Chamber of Deputies and 60.1 per cent in the Senate; the ARD won 16.5 and 16.7 per cent of the votes in those two Houses respectively, compared to the PSD's 32.4 and 33.6 per cent in 2004. A newly created party, with deep populist roots, The People's Party (PP-DD) led by media tycoon Dan Diaconescu (for more details see Gherghina and Miscoiu 2014), won 14.0 and 14.7 per cent; the Hungarian party's (UDMR) shares were 5.2 per cent in both contests.

The outcome in Ialomița constituency at the 2012 general election for the Chamber of Deputies, which again contained four SMDs, illustrates the allocation of seats. In the first tier, the proportional formulae allocated two seats to the USL and one each to ARD and PP-DD. In the second tier each of the four USL candidates won an absolute majority in their SMDs and were declared elected there (Figure 3), so that USL received four seats instead of the two allocated proportionally.

[Figure 3 near here]

Although all four seats had been allocated to the candidates who gained an absolute majority there, because both ARD and PP-DD won seats proportionally in that district two supplementary seats were created. To determine which candidates who contested seats in Ialomița constituency qualified for those two seats they were ranked according to their absolute number of votes (Table 3); the PP-DD candidate who won 5,853 votes in SMD 1 (coming second to the winning USL candidate who got 14,240 votes: Figure 3) was allocated the first of those 'overhang' seats and the ARD candidate who came third in SMD 4 was allocated the other.

[Table 3 near here]

Ialomița constituency thus had six representatives instead of four. This over-representation was not an exceptional circumstance at that election. On the contrary, it was the rule. In 2008 only one supplementary member had been added to one of the constituencies in the Chamber of Deputies election; in 2012, 79 additional members were allocated, giving a total of 412 as against the norm of 333 if there were no additional members. For the Senate, there were no additional members allocated in 2008, but 38 in 2012, increasing its size from 138 to 176. As a result of this procedure, 19 per cent of those elected to the Chamber of Deputies in 2012 were additional members, as were 21.5 per cent of

those elected to the Senate.¹⁰ These additional seats increased the general level of disproportionality as illustrated by Figure 4 which shows the percentage of votes won by the USL coalition across the 43 constituencies, its percentage of the seats allocated in each constituency according to the proportional formula, and its percentage of the total number of seats allocated there (including 'overhang' seats).

[Figure 4 near here]

Two factors contributed to the large number of overhang seats allocated in the 2012 general elections. The first was the post-2008 economic recession, which triggered the electoral downfall of PDL, the party that obtained most seats in the 2008 general elections with 32 per cent of the votes in the Chamber elections and 34 per cent in the Senate. The government's austerity measures – wage cuts in the public sector reached 25 per cent and pension cuts 15 per cent; many public workers were made redundant, etc.; even if all were not implemented (the pension cut was declared unconstitutional by the Constitutional Court, for example) – saw the party's electoral base substantially eroded (Marian and King 2014).¹¹ Indeed, the governing party did not participate in the 2012 elections under its former name, instead joining the Right Romania Alliance (ARD) which won just over 16 per cent of the votes in each contest (Table 4).¹¹

[Table 4 near here]

The second factor was a political stratagem. Having operated separately in opposition to PDL after the 2008 contest, the liberals and social-democrats formed a trans-ideological electoral alliance, USL, which was first tested in the June 2012 local elections when it won some 60 per cent of the votes. At the following general elections it obtained more seats in districts with an absolute majority than it was entitled to according to the proportional formula, which precipitated creation of the 117 overhang seats. As Table 2 shows, the national formula allocated it 194 seats in the Chamber and 84 in the Senate, but its candidates won 273 by a majority in the former and 122 in the latter.

In 2008, under the circumstances of party quasi-equilibrium, parliamentary over-representation was non-existent; four years later, in the context of an unbalanced political mainstream, enlarging the parliament was the most visible effect of that round of elections, which had an overall negative impact on the general public. The whole picture of the political scene was thought to bring about a weakening of democracy.

Discussion

Combining proportional and majoritarian principles, the post-2008 Romanian electoral system was unconventional, mixed-member proportional (see Shugart and Wattenberg 2003, for unconventional systems). The main goal of the legislation introducing that system had been to maintain overall proportionality in the allocation of seats and therefore protect minor parties, while the processes for allocating seats to candidates, in constituencies subdivided into districts, established a firm link between each elected member and a territorially-defined electorate. The potential for allocating overhang seats was not realised in 2008 but was in 2012 following the political strategy adopted by the former major opposition parties of forming a large coalition (Bochsler and Bernauer 2014), thereby affecting the nature, if not also quality, of representation in both the Chamber of Deputies and the Senate (Powell 2000; Cox 1997). The creation of that coalition meant that whereas at the 2008 election the new system delivered a proportional outcome in 2012 it did not because the majoritarian rule in the single-member districts dominated.

Cox and Schoppa (2002) have argued that voters can be confused by the existence of two sets of rules which translate votes into seats, and such confusion can discourage participation, produce results

that are not consistent with voters' preferences, and undermine system legitimacy. Indeed, the allocation of 117 overhang seats in 2012 created a general state of public confusion concerning the electoral system. Already, in a 2009 referendum, initiated by the then president Traian Băsescu, Romanians had voted in favour of a smaller unicameral Parliament, with only 300 MPs,¹² but this was not implemented because the proper constitutional procedures were not followed. The large number of overhang seats in the two houses after the 2012 elections then contributed to a collapse of public trust in political institutions. Confidence in political parties, parliament and government reached their lowest post-2000 levels; values between 10 and 20 per cent were far smaller in comparison with those reported in the first post-communist decade – 70 per cent of all Romanians reported trust in parliament and government in 1990, for example (Tufiş 2013). Citizens were displeased with the politicians' performance (Popescu and Soare 2014) and the 2008 electoral system did not strengthen the citizen-candidate relationship. On the contrary, 89 per cent of respondents to a survey in 2010 did not know their Deputy's name and 78 per cent did not know which party's candidate represented their constituency; 59 per cent felt less well represented by the elected Deputies in the single-member district electoral system (CCSB 2010), which is undoubtedly why the candidates' personality and attributes were important factors to only 14.7 per cent of respondents when they decided how to vote in 2012 (Comşa 2013).

Furthermore, the new electoral system did not reduce the numbers of MPs who changed parties (known locally as 'party switchers' or 'party hoppers'), which remained at the level established prior to 2008 (Chiru et al. 2015). Nevertheless, the number of legislative initiatives increased although the number of proposals which became law diminished in number (Alexandru et al. 2012). Adding to the cartographic manipulations of constituency boundaries and the method of allocating seats so that some placed second, third or even fourth in a constituency were elected,¹³ these all contributed to a situation in which the new system was not generally favourable to anyone – voters, civic associations and even MPs/parties included. Even before the 2012 general election, 70 per cent of citizens polled considered the new mixed-member proportional system needed to be changed (CBS 2010). After a failed USL attempt – the adopted project having been declared unconstitutional – to introduce a majoritarian system in 2012, the pre-2008 proportional formula was reinstated, with no changes, in 2016. Mihai Voicu, a Liberal politician who chaired the Electoral Code Commission (a parliamentary committee), explained that this was a response to public and political concern about the operation of the hybrid system, particularly the large overhang which resulted in substantial over-representation of the USL and the associated number of MPs elected without a plurality of votes in their constituency.¹⁴ It was also a response to the low turnouts at recent elections: in 2008 it reached a historical low of 39.2 per cent, compared to 58.5 per cent in 2004, and increased only slightly to 41.7 per cent in 2012. But the change did not reverse the trend – indeed, turnout in 2016 after the proportional representation system had been reintroduced, fell back to 39.5 per cent.¹⁵ Reform had been presented as a panacea – it would strengthen the relationship between electors and elected, making the latter more accountable and reduce corruption. Romanians expected the new system to reform the political class – and they were disappointed.

A further consequence of the outcome of the Romanian 2012 election and the large number of members of both Houses filling overhang seats was an increase in the extent of unequal representation – another likely source of popular discontent (indeed, in Germany the creation of several overhang seats led to arguments that the electoral process was no longer consistent with the constitutional principle of electoral equality – Grotz, 2000 – and stimulated suggestions for electoral reform – Lindner, 2011). In Ialomița constituency, for example, the allocation of two overhang seats to candidates who contested the first and fourth single-member Chamber of Deputies districts meant that those districts each had two members representing them, compared to just one each for the second and third districts – giving

an average of one Deputy per c.47,000 inhabitants in the districts with overhang seats as against one per c.70,000 in the other two districts.

Electoral systems are stiff, conservative and hard to change (Benoit 2004; Norris 1997; Renwick, 2010). Krasner's (1993) model sees political institutions as characterized by long periods of stasis, interrupted by short periods of crisis, which could lead to sudden changes after which the system goes back to its initial inertia. When radical reforms are adopted, unintended consequences could show up (Polsby, 1983; see the cases discussed in, for example, Colomer, 2004, Gallagher and Mitchell, 2008, and Herron et al., 2018), as happened in Romania in 2012. Like some other new democracies (Ecuador and Hungary, for example), Romania adopted a mixed-member proportional system in the belief that mixing the best features of the two electoral worlds – proportional and majoritarian – would bring substantial benefits. It was not necessarily an elite majority imposition in order to manipulate the electoral results but rather a great misunderstanding; the form of mixed-member proportional system introduced was not fully comprehended by either the media or politicians, not to mention the political marketing consultants involved (Tudor 2008, quoted by Chiru 2015). And at only the second time that the system was deployed, two large parties realised that by 'gaming' the system – creating a coalition that was likely to win a large share (possibly over half) of the votes cast – they could potentially predominate in the legislature to a much greater extent than a strictly proportional allocation of the seats would have ensured.¹⁶ The main political reason for creating the coalition was thus that it could outvote the party of the president and the incumbent government and so gain political power; there is no evidence that its strategy included an expectation that a large number of overhang seats would exaggerate that power – that they were created in 2012 and led to the coalition's over-representation in both the Chamber and the Senate was a serendipitous consequence of the coalition's success in winning some 60 per cent of the votes cast.

Electoral system changes, including unconventional ones, are not panaceas to enliven the political climate (Radu 2012; Mungiu 2000); the method chosen to translate votes into seats and thereby elect representatives is an important but not decisive influence on the quality of democracy. The Romanian post-2004 example clearly illustrates the way in which an idea of reforming the electoral law that was little-debated publicly could backfire. After just two general elections Romania returned to a traditional proportional system, which had been fiercely criticized only a decade earlier – fulfilling Bochsler's (2009) argument that mixed-member electoral systems are not necessarily the best choice for newly-democratising central and eastern European countries and consistent with Leemann and Mares' (2014) argument that disproportionality in the translation of votes into seats has been a major factor influencing the switch to proportional systems in a range of polities.¹⁷

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Table 1. Votes and seats at the 2008 general elections: Chamber of Deputies and Senate

Party	Votes%	Proportional		Overhang seats	Proportional + overhang seats	Proportional + overhang seats%	Col. 7 – Col. 2
		Hare+ d'Hondt	Hare+ d'Hondt%				
1	2	3	4	5	6	7	8
Chamber of Deputies							
PSD	33.09	114	34.23	0	114	34.13	1.04
PDL	32.36	114	34.23	1	115	34.43	2.07
PNL	18.57	65	19.52	0	65	19.46	0.89
UDMR	6.17	22	6.61	0	22	6.59	0.42
Other	3.45	18	5.41	0	18	5.39	1.94
Total	-	333	100	1	334	100	-
Senate							
PSD	34.16	49	35.77	0	49	35.77	1.63
PDL	33.57	51	37.23	0	51	37.23	3.66
PNL	18.74	28	20.44	0	28	20.44	1.70
UDMR	6.39	9	6.56	0	9	6.56	0.17
Other	3.57	0	0	0	0	0	0
Total	100	137	100	0	137	100	-

Source: Romanian's Central Election Bureau (BEC).

Table 2. The second stage of the seats allocated to the candidates according to the number of votes (the elected candidates are in bold)

No. SMD	Candidate	Party's candidate	Number of votes	Vote Ranking in the SMD
3	POPESCU DAN-MIRCEA	PSD	9,889	1
4	Stan Marian	PSD	8,363	1
1	POCORA CRISTINA-ANCUȚA	PNL	8,309	1
3	Marinescu Marius-Cătălin	PDL	7,194	2
1	Gafițoi Sorin	PSD	7,052	2
4	GHEORGHE TINEL	PDL	5,809	2
1	Postole Olivia	PDL	3,688	3
4	Iancu Nae	PNL	3,350	3
3	Brotac Gheorghe	PNL	1,970	3

Source: Romanian's Central Election Bureau (BEC).

Table 3. The second stage of allocating seats to the candidates – in accordance with the number of votes (candidates elected in bold)

No. SMD	Candidate	Party's candidate	Number of votes	Vote Ranking in the SMD
1	CALOIANU MARIO-ERNEST	PP-DD	5,853	2
4	Badea Nelu	PP-DD	5,180	2
4	GHEORGHE TINEL	ARD	4,477	3
2	Mușat Gabriel	PP-DD	4,350	2
3	Ceanu Mariana	PP-DD	4,082	2
3	Began Niculae	ARD	3,899	3
1	Barcari Rodica-Luminița	ARD	3,675	3
2	Malama Daniel-Dumitru	ARD	3,438	3

Source: Romania Central Election Bureau (BEC).

Table 4. Overhang seats at the 2012 general elections: Chamber of Deputies and Senate

Party	Votes%	Proportional		Overhang seats	Proportional + overhang seats	Proportional + overhang seats%	Col. 7 – Col. 4
		Hare+ d'Hondt	Hare+ d'Hondt%				
1	2	3	4	5	6	7	8
Chamber of Deputies							
USL	58.6	194	58.25	79	273	66.26	8.01
ARD	16.5	56	16.82	0	56	13.59	-3.23
PP-DD	14.0	47	14.11	0	47	11.41	-2.7
UDMR	5.2	18	5.41	0	18	4.37	-1.04
Other	5.7	18	5.41	0	18	4.37	-1.04
Total	100	333	100	79	412	100	-
Senate							
USL	60.1	84	60.87	38	122	69.32	8.45
ARD	16.7	24	17.39	0	24	13.64	-3.75
PP-DD	14.7	21	15.22	0	21	11.93	-3.29
UDMR	5.2	9	6.52	0	9	5.11	-1.41
Other	3.3	0	0	0	0	0	0
Total	100	138	100	38	176	100	-

Source: Romania Central Election Bureau (BEC).

Figure 1. Allocation of seats in the post-2008 Romanian electoral system

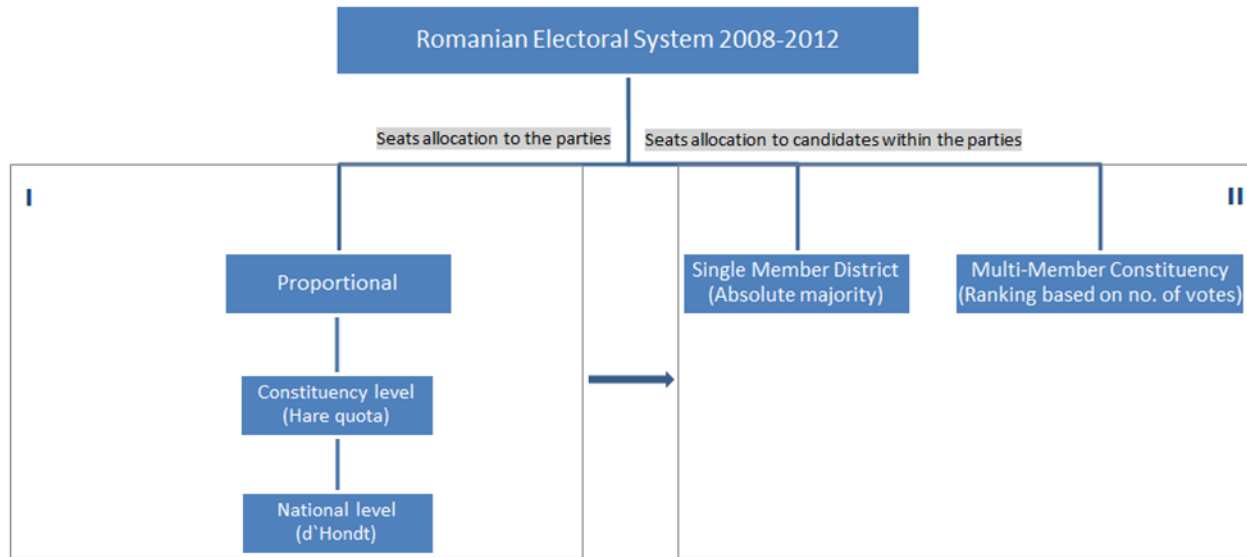


Figure 2. The 2008 general elections (Chamber of Deputies): seats allocated to the candidates in the Ialomița SMDs (absolute majority)

1 No absolute majority	2 Neacșu Marian (PSD) = 11,177 (50.56%)
3 No absolute majority	4 No absolute majority

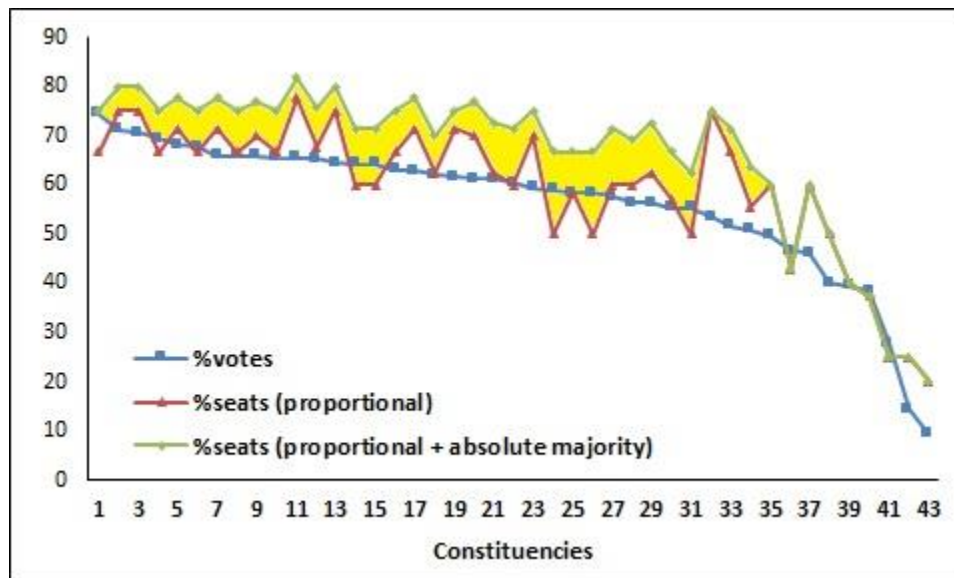
Source: Romania Central Election Bureau (BEC).

Figure 3. The 2012 general elections (Chamber of Deputies): seats allocated to the candidates in the Ialomița SMDs (absolute majority)

1 Pocora Cristina-Ancuța (USL) = 14,240 votes (57.82%)	2 Neacșu Marian (PSD) = 11,177 (50.56%)
3 Găină Mihăiță (USL) = 13,147 (59.38%)	4 Ionescu Aurelian (USL) = 12,163 (53.50%)

Source: Romania Central Election Bureau (BEC).

Figure 4. The USL percentages of votes and seats at the 2012 elections to the Chamber of Deputies.



Source: Romania Central Election Bureau (BEC).

NOTES

¹ For example, in a November 2001 poll only 36 per cent of those interviewed stated that they knew at least one MP from their own multi-member constituency, and in June 2002 the percentage dropped to 26 per cent. The political parties were placed in last position in terms of confidence, lagging far behind the church and the security institutions – the army and the police ('The history of a disagreement: the uninominal vote', *Pro Democrația* NGO, December 2008, 4-5. Available at http://www.apd.ro/files/publicatii/brosura_uninominal.pdf, accessed 23 August 2018.)

² There were considerable similarities between the proportional electoral system, before 2008, and the unconventional one, post-2008: each system had 43 constituencies (including the constituency for the Romanians' abroad) for elections to (i) the Chamber of Deputies with a total number of 314 seats (4 seats for the smallest

constituency and 12 for the largest) and (ii) the Senate had a total of 137 seats (the smallest constituency – 2 seats, the largest – 5). The 2008 unconventional system added a supplementary method by creating single-member districts within each constituency.

³ For more details, see the media information on this topic:

<http://www.hotnews.ro/stiri-arhiva-1109758-proiectul-cod-electoral-asociatieipro-democratiea.htm>;

http://www.thediplomat.ro/reports_0707_1.php; and

<https://www.revista22.ro/cea-mai-buna-solutie-de-compromis-ce-putea-fi-gasita-in-actualele-conditii-politice-4411.html> (quoted in Chiru et al. 2015). See also the parliamentary debates, available at

<http://www.cdep.ro/pls/steno/steno.stenograma?ids=6408&idm=1,06&idl=1> and

<http://www.cdep.ro/pls/steno/steno.stenograma?ids=5853&idm=1,25&idl=1>, accessed 27 August 2018.

⁴ The resilience of the Romanian MPs to change attests to the fact that most changes to electoral systems are inherently conservative, generally taking place when a party/coalition promoting a change is sure to win more seats under the new procedure (Norris 1997). Electoral laws are primarily distributive institutions with a zero-sum character (Benoit 2004).

⁵ For instance, the ex-president Traian Băsescu believes that new electoral system will grant more power and autonomy to the MPs. See BBC Romanian.com – Available at

http://www.bbc.co.uk/romanian/specials/144_uninominal/page7.shtml, accessed 27 July 2018.

⁶ Available at <http://www.roaep.ro/prezentare/wp-content/uploads/2013/02/LAW-No.-35-2008-new.pdf>, accessed at 27 July 2018.

⁷ There were two alternative thresholds: i) a normal threshold – 5-10% for the parties/coalitions, ii) the alternative threshold for the parties which won 6 SMDs in the Chamber of Deputies and 3 in the Senate (plurality of votes).

⁸ The Social Liberal Union (USL) consisted of the Left Centre Alliance (the Social Democratic Party – PSD and the National Union for the Progress of Romania – UNPR) and the Right Centre Alliance (the National Liberal Party – PNL – and the Conservative Party – PC). In fact, there were four parties under the USL umbrella.

⁹ The Right Romania Alliance (ARD) was formed from the Democratic Liberal Party – PDL, the Civic Force – FC, and the National Peasant Christian-Democratic Party – PNȚCD.

¹⁰ All of them were elected from a district, some because they won more than 50 per cent of the votes cast there and others because that was the district where they stood and lost, but were then elected in order to fulfil their party's/coalition's proportional quota of seats for that constituency.

¹¹ That Alliance was dissolved only a few months after the election.

¹² Although the referendum was valid, 73.32% of the electorate voting in favour of a reduced Parliament, this had no consequences since the constitutional procedures were not valid after the referendum.

¹³ At the 2008 general elections, out of the 316 elected deputies 76 won a seat without plurality of votes in the constituencies where they ran.

¹⁴ See Ruscior, Cosmin. 2015. *Voicu (PNL): Era imposibil să nu fie schimbat votul uninominal* [Vociu (PNL): It was impossible that the electoral law did not change]. Available at <https://www.rfi.ro/politica-79413-voicu-pnl-era-imposibil-sa-nu-fie-schimbat-votul-uninominal>, accessed 20 September 2018.

¹⁵ Some studies have shown that turnout is higher in proportional systems (Blais and Carty 1991; Jackman 1987) but that assertion is not valid in the Romanian case, the post-communist decrease in turnout being continuous, irrespective of the electoral system, proportional or majoritarian.

¹⁶ For a comparable example of gaming by a pair of parties see Elklit (2008) on Lesotho's 2002 and 2007 elections using a version of MMP; more generally, Bochslers (2012) explores the impact of parties combining to promote split voting, where voters support one of them in the constituency contests and the other in the top-up proportional contest, resulting in non-proportional outcomes.

¹⁷ Writing in 2009, Bochslers noted (p. 756) that 'the golden age of mixed electoral systems might soon be over' in that region, as only three countries – Hungary, Lithuania and Romania – continued to deploy them. Romania has now abandoned such a system and Jastramskis (2018) argues that Lithuania's system is not 'the best of both worlds'.